

Misbranding was alleged for the reason that the statements on the labels, "Pure Peach Preserves", "Pure Apricot Preserves", "Pure Raspberry Preserves", "Pure Strawberry Preserves", "Preserves Pure Raspberry", "Raspberry Preserves", "Preserves Pure Blackberry", "Damson Plum Preserves", "Raspberry Jam", "Strawberry Jam", and "Preserves Pure Strawberry", were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they were not preserves and jams as labeled.

Misbranding was alleged for the further reason that the articles were imitations of other articles and were offered for sale under the distinctive names of said other articles, namely, "Peach Preserves", "Apricot Preserves", "Blackberry Preserves", "Strawberry Preserves", "Raspberry Preserves", "Damson Plum Preserves", "Raspberry Jam", and "Strawberry Jam."

On November 15, 1934, the defendants entered pleas of guilty. Goldmeyer & Arnold, Inc., was sentenced to pay a fine of \$200 on the first count and \$1 on each of the remaining 33 counts, the fines in all counts but the first being remitted. Max Goldmeyer and Harry Arnold, as co-partners and as officers of the corporation, were both fined \$1 on each of the 34 counts, the fines being remitted.

M. L. WILSON, *Acting Secretary of Agriculture.*

23843. Adulteration and misbranding of apple cider vinegar. U. S. v. Martin D. Buckley (U. E. Mathes Vinegar Co.). Plea of guilty. Fine, \$250. F. & D. no. 28206. I. S. nos. 37959, 41401, 41404.)

This case was based on various shipments of a product sold as apple cider vinegar which was found to consist of a mixture of evaporated apple products vinegar and dilute acetic acid.

On November 16, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Martin D. Buckley, trading as the W. E. Mathes Vinegar Co., Medina, N. Y., alleging shipment by said defendant, on or about September 7 and 25, 1931, from the State of New York into the State of Wisconsin, and on or about September 17, 1931, from the State of New York into the State of Pennsylvania of quantities of vinegar which was adulterated and misbranded. A portion of the article was labeled: "Kitchen Queen Brand Pure Apple Cider Vinegar Made from Fresh Apples * * * Harrisburg Grocery Co. Harrisburg, Pa." A portion was labeled: "W. E. Mathes Vinegar Co. Pure Apple Cider Vinegar Made from Fresh Apples * * * Albion, N. Y." The remainder was unlabeled and was invoiced "Apple Cider Vinegar."

The article was alleged to be adulterated in that substances, commercial acetic cider and evaporated apple products vinegar, had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for pure apple cider vinegar which the article purported to be.

Misbranding of the article was alleged for the reason that it was a product containing commercial acetic cider and evaporated apple products vinegar, and was offered for sale under the distinctive name of another article, apple cider vinegar. Misbranding was alleged with respect to portions of the article for the further reason that the statement "Pure apple cider vinegar made from fresh apples", borne on the labels, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not apple cider vinegar made from fresh apples but was a product consisting in part of commercial acetic cider and evaporated apple products vinegar.

On November 12, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$250.

M. L. WILSON, *Acting Secretary of Agriculture.*

23844. Adulteration of blackberry jam. U. S. v. W. D. Coggeshall Co. Plea of guilty. Fine, \$30. (F. & D. no. 29493. I. S. no. 28627.)

This case was based on an interstate shipment of blackberry jam, samples of which were found to be dried and moldy.

On March 3, 1933, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. D. Coggeshall Co., a corporation trading as the Darlington Wholesale Grocery Co., a branch of said corporation having its principal place of business at Darlington, S. C., alleging shipment by said company in violation of the Food and Drugs Act, on or about